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Same-sex Marriage in Germany

Same-sex couples are allowed the same marriage, legal, adoption and inheritance rights as those afforded to couples in traditional union. Find out how to have a gay wedding in Germany...

In 2001 the German Parliament passed legislation recognising same-sex unions. It is known as the Life Partnership Act (*Eingetragene Lebenspartnerschaft*) and granted same sex couples a number of rights enjoyed by married heterosexual couples, in particular:

- They may take each other's names
- They must support one another financially
- They may divorce and demand a settlement

However, campaigners were not completely satisfied, feeling that legislation did not go far enough and three states attempted to overturn the legislation claiming that it undermined constitutional protection of the family. The courts upheld the law.

In 2004 the German Parliament extended additional rights to same-sex couples. The Life Partnership Law (Revision) Act means that:

- Same-sex couples can no longer be compelled to testify against one another in court
- Widows and widowers qualify for state pensions
- Rights regarding children allow for the adoption of the biological children of the spouse

Tax benefits between same-sex partners have still not been brought in line with those granted to heterosexual couples.

The [Lesbian and Gay Federation of Germany](#) (*Lesben- und Schwulverband Deutschlands- LSVD*) continues to campaign for further rights of adoption and equal tax and welfare benefits for so-called "Rainbow families".

As with heterosexual marriages, marriage can take place as long as both parties have reached eighteen years of age. (The age of consent in Germany is fourteen for gay, lesbian and heterosexual relationships but parental consent is needed to marry before age eighteen).

Non-Germans legally joined in a same-sex marriage to a German citizen may apply for the right to citizenship.

Documentation and Requirements for Marriage
Same-sex couples intending to marry in Germany should go to the local

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Embassy or Consulate and to the local magistrate's office (*Standesamt*) as soon as possible. Requirements vary between regions and districts so it is wise to check which rules apply locally.

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- To find the nearest *Standesamt*, see the [Yellow Pages](#) and enter "*Standesamt*"

A period of residence of at least 21 days is needed to give notice of marriage. In reality the formalities of obtaining documentation may take longer than this.

The country of origin of both parties is irrelevant but most districts ask any non-Germans intending to marry to provide a Certificate of No Impediment or Free Status (*Ehefähigkeitszeugnis*).

Germany insists on original or certified copies (not photocopies) of various documents. All of these must have been issued in the last six months. In the case of birth certificates this is likely to mean obtaining a new copy. The relevant Embassy may be able to assist with obtaining the required documentation.

- Birth certificate for both parties
- Passport for both parties
- If either party has previously been married (heterosexual or otherwise) they must provide a copy of the final divorce decree (or death certificate of the former spouse if widowed). Unfortunately, the German authorities are not always satisfied with a simple divorce decree and often insist that proof be supplied to the effect that the decree can no longer be contested. Normally this means contacting the court that granted the divorce and asking them to provide a statement
- A Certificate of Free Status or No Impediment (*Ehefähigkeitszeugnis*) is needed in some districts - check locally with the magistrate's office. Embassies are often happy to assist their citizens with this by allowing them to swear an affidavit in front of a consular officer. There will usually be a charge for this service
- Anyone who has changed his or her name by deed poll will also be asked to provide documentation to support this
- All official documents in a language other than German will have to be translated by a sworn interpreter. The Embassy may be able to provide this
- Medical examinations are also required in some areas of the country

For marriages where either one of the couple is not German, the documents are then sent to the ***Oberlandesgerichts Praesident*** who then verifies the legal status of the couple. This office then sends everything back to the *Standesamt* and the couple may then get married (or set a date for the wedding).

The Marriage Ceremony

The marriage normally takes place in the consular district where the notice of marriage was given. If the district is different then documentation has to be provided to the new district before the marriage will be allowed.

Essentially the ceremony is the same as for heterosexual couples. For a marriage to be legally recognised in Germany both parties must appear at the local magistrate's office (*Standesamt*) in the presence of two witnesses. There is a charge for the wedding at the *Standesamt* and the ceremony is usually

conducted in German. It is possible to engage the services of an interpreter.

Leaving Germany

Anyone planning to return to their country of origin or move elsewhere at a later date should bear in mind that many countries still do not recognise same-sex unions and the marriage may not be seen as valid.

Further Information

- [German Government Portal](#)
- [British Embassy Berlin](#)
- [US Embassy Berlin](#)
- [New Zealand Embassy](#)
- [Australian Embassy](#)
- [Canadian Embassy](#)
- [Marriages World-wide](#)
- [UK Lesbian and Gay Immigration Group](#)
- [The European Parliament's Intergroup on LGBT Rights](#)

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